

Ordinance No: 15-07
Zoning Text Amendment No: 03-11
Concerning: Life Sciences Center
Amendments
Draft No. & Date: 2 – 6/18/03
Introduced: May 13, 2003
Public Hearing: June 17, 2003; 1:30 PM
Adopted: June 24, 2003
Effective: June 24, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- making technical corrections to the date of the Declaration of Covenants and easements referenced in Section 59-C-5.476(b)(1); and
- clarifying ~~[[and confirming the intent]]~~ that the ~~[[Higher Education Campuses]]~~ University Sites are subject to separate master plans of development and are not subject to the Declaration of Covenants and the Life Sciences Center Development Plan.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-5	“INDUSTRIAL ZONES”
Section 59-C-5.476(b)	“Procedure for application and approval”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*
Underlining indicates text that is added to existing laws by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 03-11 was introduced on May 13, 2003. The ZTA corrects the recordation date of the Covenants and Declaration and Easements for the Shady Grove Life Sciences Center and clarifies that properties identified as University Sites in the 1995 Shady Grove Life Sciences Center Development Plan are not subject to the Declaration of Covenants and Easements of the Life Sciences Center Development Plan.

The Montgomery County Planning Board in its report to the Council recommended that the ZTA be approved as introduced.

The County Council held a public hearing on June 17, 2003 to receive testimony concerning ZTA 03-11. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 16, 2003 to review the amendment. The Committee supports approval of ZTA 03-11, with revisions. The Committee did not recommend any substantive revisions to the ZTA. However, fairly extensive drafting revisions were proposed by the Committee to conform the ZTA to the plain language manual.

The District Council reviewed Zoning Text Amendment No. 03-11 at a meeting held on June 24, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-11 will be approved as revised.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-C-5 is amended as follows:

DIVISION 59-C-5. INDUSTRIAL ZONES.

* * *

59-C-5.47. Special regulations LSC zone.

* * *

59-C-5.476 Procedure for application and approval.

(a) * * *

(b) The following regulations ~~[[are applicable]]~~ apply in the LSC zone:

- (1) In the Shady Grove Life Sciences Center except as provided below, ~~[[applicants]]~~ an applicant for site plan or subdivision plan approval must comply with the requirements of ~~[[enter into an agreement with the Montgomery County Government by signing] [[subject the project for which approval is sought to]]~~ the Amended and Restated Declaration of Covenants and Easements [as recorded March 15, 1989] dated March 9, 1990 and recorded May 25, 1990 in Liber 9332 at folio 591, or as the [[same]] Declaration may be [[subsequently]] later amended, that governs [[ing]] the development of the Shady Grove Life Sciences Center. Any project [[Applicants for]] that receives site plan or subdivision plan approval [[for projects]] on property [[ies]] identified as [[Higher Education Campuses]] University Sites in the 1995 Shady Grove Life Sciences Center Development Plan is not required to comply with [[were not intended to be burdened by the Amended and Restated Declaration of Covenants and Easements and are not required to subject projects on the Higher Education Campuses to the requirements of]] the [[Amended and Restated]] Declaration [[of Covenants and Easements]].

- (2) Properties within the Shady Grove Life Sciences Center, except as provided below, are subject to the provisions of:
- (A) an approved subdivision plan which may restrict the maximum density allowed, and
 - (B) the 1986 Shady Grove Life Sciences Center Development Plan, as amended. This [[provision (B) shall]] subparagraph does not apply to any [[the]] project [[s]] on the property [[ies]] identified as the [[Higher Education Campuses]] University Sites in the 1995 Shady Grove Life Sciences Development Plan. Any application of the 1986 Shady Grove Life Sciences Center Development Plan to such [[Higher Education Campuses]] University Sites arises by private agreement only.

(3) * * *

59-C-5.477. Existing approved buildings, building permits, or uses.

* * *

Sec. 2. Effective date. This ordinance becomes effective [[20 days after the date of]] immediately upon Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC

Clerk of the Council